

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

L.W. et al.,)	
<i>by and through her parents and next friends,</i>)	
<i>Samantha Williams and Brian Williams,</i>)	
)	
Plaintiffs,)	NO. 3:23-cv-00376
)	JUDGE RICHARDSON
)	JUDGE NEWBERN
and)	
)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff-Intervenor)	
)	
v.)	
)	
JONATHAN SKRMETTI et al.,)	
)	
Defendants.)	

**UNOPPOSED SECOND MOTION FOR EXTENSION OF TIME
TO FILE RESPONSIVE PLEADINGS AND TO
CONTINUE INITIAL CASE MANAGEMENT CONFERENCE**

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 6.01, and for good cause shown, Defendants respectfully move to extend their deadline for responding to the Private Plaintiffs' Complaint [ECF 1] and the Plaintiff-Intervenor's Complaint in Intervention [ECF 38-2] until 21 days after the final resolution of Plaintiffs' available appellate remedies with respect to the Sixth Circuit's preliminary injunction ruling. Defendants further request that the Court continue the initial case management conference until a reasonable time after Defendants have filed their responsive pleadings.

1. On September 28, 2023, the Sixth Circuit issued its opinion reversing this Court's preliminary-injunction order and remanding the case to this Court for further proceedings.

2. Defendants subsequently requested an extension of their deadline for responding to Private Plaintiffs' Complaint and Plaintiff-Intervenor's Complaint in Intervention until 21 days after final resolution of Plaintiffs' available appellate remedies, noting that Plaintiffs would not disclose whether they intended to seek further appellate review of the Sixth Circuit's decision. Defendants likewise sought a continuance of the initial case management conference.

3. The Court ultimately reset Defendants' deadline for responding to the Complaint and the Complaint in Intervention to November 20, 2023. Order [ECF 182]. The Court also set the initial case management conference for December 1, 2023. *Id.*

4. Counsel for Plaintiffs have now advised that they *do* intend to pursue further appellate review of the Sixth Circuit's preliminary-injunction ruling. But they decline to say whether they intend to seek rehearing en banc or skip straight to filing a petition for writ of certiorari with the Supreme Court.

5. Plaintiffs' deadline for seeking rehearing en banc is November 13, 2023—just one week before Defendants' current deadline for filing their responsive pleadings. Plaintiffs' deadline for filing a petition for writ of certiorari with the Supreme Court is not until late December.

6. In the interest of judicial economy, and to preserve the time and resources of the parties, Defendants respectfully renew their request that the Court extend their deadline for responding to the Plaintiffs' Complaint and the Plaintiff-Intervenor's Complaint in Intervention until 21 days after final resolution of Plaintiffs' available appellate remedies.

7. Defendants further respectfully request that the initial case management conference be continued until a reasonable time after Defendants have responded to the Complaint and the Complaint in Intervention.

8. The relief requested herein will not cause any unnecessary delay or unfairly prejudice any other party.

9. Counsel for Defendants has conferred with counsel for Private Plaintiffs and Plaintiff-Intervenor, and Private Plaintiffs and Plaintiff-Intervenor have represented that they have no objection to the relief requested.

Dated: October 27, 2023

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2023, the undersigned filed the foregoing document via this Court's electronic filing system, which sent notice of such filing to the following counsel of record:

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